

**Hawaii Department of Agriculture - Pesticides Branch
2nd Quarter Report; EPA Region 9
Jan- March 2016**

ADMINISTRATIVE:

Attended Out of State Travel by Staff:

- February 2 – 4, 2016; Accountability for Federal Grants: Planning, Measuring and Reporting Grant Performance Course. Denver, CO. Attended by Christina Zimmerman.

PROGRAM HIGHLIGHTS:

Personnel:

Three (3) new inspector positions were granted by the Legislature during the 2014 session and the processing to hire is ongoing. These positions will be on Kauai, Oahu, and Hawaii Island.

- Mr. Cal Westergard started working for our branch in January 2016, Westergard is an 89-day hire and has been actively training to secure credentials for the Environmental Health Specialist III position.
- A list of candidates for the EHS III, Oahu enforcement position was received and interviews held during early March. Ms. Angela Gantuah was selected and started work on March 28th.
- There are still 2 enforcement positions vacant on Oahu that need to be filled with ongoing recruitment taking place.
- A list of candidates for EHS III and II was received for the Kauai enforcement position. It is anticipated that interviews will be scheduled in April 2016 for this position.

Case Developer Avis S. Onaga, retired from the Pesticides Branch at the end of January. Victoria Matsumura is currently on Temporary Assignment in this position and a request has been made to fill this vacancy on a permanent basis. A 2nd Case Developer position will open for recruitment once the permanent position is filled.

Plant Industry Administrator, Dr. Neil Reimer who is the supervisor over the Pesticides Branch Program Manager has announced his retirement, effective at the end of April 2016. In the interim, the Deputy Director at the HDOA, Phyllis Shimabukuro-Giser will also assume part of his duties.

Syngenta Inc. - High Level Episode Incident

In January, a high level episode occurred on Kauai and was reported to EPA Region 9. A number of agricultural workers from Syngenta Inc. entered a treated field still under the REI period. Workers were allegedly exposed to the a.i. chlorpyrifos and were taken to the hospital for treatment, eventually all were released. Lead enforcement inspector Ann Kam was there to document the incident and later inspector Steven Ogata from Oahu went to assist with interviewing Ag workers. During the fact gather phase of the investigation and in discussions with EPA Region 9 enforcement, a determination was made to refer the case to EPA Region 9 for follow through.

Pesticides Semi-Annual Training

There is scheduled on May 12th -13th, our semi-annual training for the pesticides staff. Progress on the EPA work plans are discussed, and there will be training on such topics as: WPS changes, comments from the Case Prep. and deputy attorney general, ethics review, overview of the legislative session, tips for macrophotography, Microsoft tips, and strategic planning activities.

A rotation of pesticide branch staff have been assigned to develop and host the semi-annual trainings held in May and November. Training is being held on Oahu with neighbor island staff flying in.

Federal Inspector Credentials

Paperwork was processed through EPA Region 9 back in November 2015 for renewal of federal inspector credentials for Steven Ogata, Ann Kam, Lester Chin and Chris Gerken. Federal credentials were received in March 2016 for 3 of 4 inspectors. C. Gerken received his federal credentials in April 2016.

Consulting Services.

Program staff continue to meet with Data House and test new developments to the system. All but 2 licenses (Dealer license and Experimental Use Permit) have been approved for production and the Registration section is able to issue licenses directly from this new system (IPIS). The Code Enforcement module is still being developed and extensive improvements have been achieved with the mobile inspection software which will give inspectors the ability to input and extract data into the system during the course of an inspection. There has been some progress in the Certification licensing module, but staff has been focusing on data cleanup to prepare for migration into the new system.

The Program is also working toward purchasing of mobile devices (tablets) and printers for inspector use in the field.

Kauai Joint Fact Finding Task Force (KJFFTF)

The Kauai JFFTF was commissioned by the County of Kauai and partially funded by the Hawaii Dept. of Agriculture to gather and sort information and facts regarding pesticide use and its impacts. The release of the draft document by the Kauai JFFTF was done in late March 2016. A time period has been set aside for public comment and comments from stakeholders. HDOA will be commenting on the recommendations made in the JFF report once the draft document is finalized.

Evaluation of Kauai Good Neighbor Program

Matt Strassberg (Environmental Mediation Center) and Kem Schmidt have completed their work and provided the HDOA Board Chair with a preliminary report. The release of the draft report will be determined by the HDOA Board Chair.

Development of Managed Pollinator Protection Plan (MP3)

The State Apiary staff worked on their proposed survey questions. No other progress due to time constraints on staff time.

Registration/Licensing:

Licensing:

A total of 370 licenses were processed for this quarter (Jan – Mar 2016), with fees collected totaling \$783,750. There were 218 new product licenses processed. License renewals were 152; 143 for general use and 9 for restricted use.

Special Local Need registrations:

One issued this quarter; HI-1600001 (Marathon 1% Granular on containerized corn, soybean, & sunflower, transfer from HI 100003). 25 SLNs are currently active this quarter with one to expire this quarter.

Emergency Exemption (EE):

No EEs issued or active this quarter.

State Experimental Use Permits:

One issued this quarter; EUP-16-01 to UH (test efficacy of Sentry Fiprogard in bait stations on Western yellow jacket at high elevations & limited exposure time)

Groundwater Reviews:

No full groundwater reviews this quarter.

New Actives status:

Benzovindiflupyr – waiting for full GW data.

Bicyclopyrone –from last quarter. Pending full GW review (waiting for P.O.) data.

FlutriafoI – From previous quarter. Waiting for data from registrant.

Oxalic acid dehydrate – From previous quarter. Missing data for prelim GW review.

N, N'-Methylenebis (5-methyloxazolidin) – Requested MRID reference from registrant January 2016. Waiting for response.

Isofetamid – 40 points assigned during preliminary review. Ran active through CLERES leaching model and results indicated “unlikely to leach” in most areas in the state. License as “General Use” and consider re-evaluation as new uses are added.

Endangered Species Review Requests (Section 7):

None requested.

Chemical Analysis Laboratory (CAL):

A total no. of 100 tests were run for 35 samples pertaining to 8 enforcement cases were finished by both GC/MS and LC/MS equipment. A total of 68 tests were run for 5 samples pertaining to 1 batch EPA check samples. Samples were finished by the LC/MS and GC/MS equipment.

Repairs to the new Thermo orbitrap focus LC-MS were made by changing the electric board two times. Otherwise, it is running smoothly.

Education/Certification:

Applicator Certification and Training Work plan:

- A total of 11 statewide certification examination sessions were held.
- One hundred ninety-five (195) examinees were tested in Private applicator or Commercial applicator categories.
- Out of these examinees, 48 individuals became newly certified applicators and another 31 individuals were re-certified in their appropriate work profession categories.
- 7 certified applicators collectively earned 27 recertification credits by taking quizzes.
- 33 CET training classes were held and attended by approximately 198 certified applicators. These attendees collectively earned 353 recertification credits.

Worker Protection Safety Program Work Plan:

- Mulkern Landscaping, WPS handler training (8)
- Kauai Fresh Farms (1)
- Kula County farms (3)

Other trainings/technical assistance provided by Pesticide Education staff included topics on:

- Proper pesticide use, label review, safety, PPE, storage, recordkeeping, heat stress, calculating use rates, drift, spills;, rules and regs.
 - Hawaii Ant Lab (55)
 - Maui HGP (20)
 - Pacific Agriculture Sales and Service Workshop, (85)
 - Turf and Landscape Seminar (50)
 - Pulama Lanai - nursery site (25)
 - County of Hawaii, Parks & Rec (1)
 - Golf course and landscape employees from 5 resorts – Kohala Coast (25)
- IPM/mosquito management/pesticide safety/soil principles
 - Hahaione Elem School ; 5th grade students (5)
- Pollinator Protection during pesticide applications
 - Maui Association of Landscape Professionals (MALP) (40)
- Insecticides for pest problems
 - Hawaii Buildings, Facilities & Property Mgmt Expo - Bird Management (40)

Enforcement Highlights:

Oahu:

During the second quarter, five complaints were received. Three of these complaints were urban structural and two were agricultural-use.

- An agricultural use complaint centered on the use of Paraquat by an uncertified applicator. The complaint was filed by the applicator's son. No RUPs were seen on the farm.
- An Aina Haina urban structural complaint was about a strong odor and use of pesticides by a neighbor. The suspected backyard area application site did not have any recently applied pesticides.
- An inspection was conducted at Fil Am Termite and Pest Control. During a surveillance drive, it was documented that Fil Am Termite and Pest Control did not place the proper date of application on the fumigation placard.
- In February, inspector Cal Westergard was on Oahu for medical monitoring, and to purchase his personal protective equipment. Westergard participated in inspections conducted at a golf course and at a pest control company. He was also received training in residue sample collection.

Maui/Molokai:

- There were three complaints involving glyphosate during this quarter. The first was an urban-structural complaint involving government highway maintenance personnel spraying along roadsides close to an elementary school. Although the weather data indicated little to no wind and the applicators used backpack sprayers, the complainant stated that there were plumes of spray mist. There was a suspected violation of failure to wear a long-sleeved shirt.
- A Maui visitor called about an aerial spray application of glyphosate onto sugar cane. Although the visitor was not affected by the spray application and did not file a complaint, he did comment that the World Health Organization declared glyphosate a carcinogen.
- Another glyphosate related complaint was from a Paia resident whom has filed a number of complaints in the past. The resident believes that his nursery plants are affected by undetected amounts of glyphosate and possibly triclopyr in his tap water. The sources of his tap water are

mainly from deep wells, however, one source comes from a partial open ditch. A follow-up inspection with the applicator has been scheduled.

Kauai:

- On January 20, 2016, while on a complaint inspection at Syngenta Hawaii, LLC., an early-entry incident occurred. 19 field workers entered field 312- A25, 4 hours prior to the completion of the REI period. This field was sprayed with Lorsban Advanced (EPA Reg. No. 62719-591) and Permethrin (EPA Reg. No. 34704-873). 10 workers went to the hospital (one of which did not enter field 312- A25). EPA was informed of the incident on January 21st and on January 22nd, all 35 field workers that were involved were interviewed. On January 28th, the Use investigation report was collected and the completed jacket was forwarded to Honolulu on February 2nd. After consultation with EPA Region 9's Enforcement Division, the investigation was forwarded to EPA on March 1th.
- On April 4 – 6th, Amy Miller, Deputy Director – Enforcement Division for EPA Region 9 and Scott McWorter, FIFRA Section, EPA Region 9, traveled to Kauai to follow up on the early restricted entry incident at Waimea. They meet with the Kauai pesticide inspector and individuals from Syngenta Hawaii, LLC, Global Ag, Earth Justice and Dateline. Miller and McWorter also attended the Joint Fact Finding's community comments and input meeting.
- In January, the Kauai inspector on T/A as the neighbor island supervisor reviewed work expectations with Cal Westergard. Westergard has been accompanying and observing inspectors Steven Ogata, Christopher Gerken and Ann Kam on various inspections and has recently taken the lead on certain inspections under Gerken's tutelage.

Hawaii Island:

Four (4) complaints were received during this period, all were urban complaints.

- A Kailua-Kona resident filed a complaint against a homeowner he observed spraying weeds at La Aloa Beach Park in Kailua-Kona. The complainant provided photos of the application. The complainant is concerned about the public entering the treated area, and the close proximity to the ocean. The County of Hawaii Parks and Recreation did not authorize the application and completed an Attestation. The applicator stated that the County had stopped maintaining this area and the foliage was blocking his ocean view, so he sprayed. Applicator agreed to not spray the area again.
- A teacher from Honokaa Elementary School filed a complaint against a Hawaii Electric Light Co. (HELCO) contractor. HELCO has an old sub-station that borders the school on 3 sides. The sub-station has no buffer zones around the school, their fence line borders the school. An herbicide application was made to control weeds within the sub-station. The teacher suspects drift onto school grounds and the school garden. A noxious odor was detected at the school office. Luckily, the school was on break when the application was made. HELCO was made aware of this complaint. Foliage and swab samples were collected. Applicator applied a combination of Glyphosate, Clean Amine and Diuron. Awaiting lab sample results.
- A Hilo resident and her neighbor filed a complaint about the County of Hawaii spraying on Feb. 22nd at 8:00 p.m., along Kukuau St. in Hilo, Hawaii. The complainants stated they observed a County truck with blinking lights spraying with a hose that created a pink fog and noxious odor. One complainant described the odor as "malathion". One complainant stated that the odor smelled like "cat urine". The complainants stated that the Fire Department Responded. The County of Vector Control was contacted and they do not spray at night. The Hawaii County Fire Department's dispatch did not have any record of this incident. After meeting with the complainants, a son of one of the complainants stated that "they made this up nothing happened."

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- A Kailua-Kona landscaper called DOA asking about testing of a powder encountered while working with decorative river rocks. The complainant stated that while working with the rocks in a confined area he encountered symptoms of pesticide poisoning. The complainant stated that the rocks are imported from the Philippines. A sample was obtained of the powder. Awaiting lab results.